

AFFIDAVIT

Robert J. Sugarman, pursuant to 28 U.S.C. Robert J. Sugarman, pursuant to 28 U.S.C. as follows:

1.1. 1. I am counsel to plaintiff in the matter of Franklin1. I am cour

2.2. We were recently allowed2. We were recently allowed to amend the
aa claim for a principal sum that would exclude the effect of an
enrollment form as reducing coverage.

3.3. We have propounded discovery relating to the new claim, and with the consent of the defendant, the Court has allowed us to propound the discovery.

4.4. The propounded discovery is relevant to the intentions and conduct of the defendant, in regard to the matters at issue in the Amended Complaint.

5.5. Without the answers to discovery, I believe the Court cannot conclude that summary judgment cannot be granted to the defendant on the claim, for the reasons suggested in the discovery itself: the disclosure, lack of itself: the disclosure, lack of considerations of the defendant in itself: the disclosure, lack of a way to reduce coverage.

6.6. Therefore, pursuant to Rule 56(f), I believe that the newly allowed discovery is required before judgment for defendant may be considered.

I state the foregoing to be true and correct, I state the foregoing penalties for unsworn perjury. Executed this ____ day of _____, 2003.

ROBERT J. SUGARMAN